

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRIZZLY AUTO TRANSPORT; CAUDILL & SON
TRUCKING; JOHN CECCARELLI; JEFF'S 3
CARGO, INC.; PATRICK DAVIS; RONALD
DAVIS; JAMES HOLLAND; DIZS, INC.; RUSSELL
HOY; MARK MARTINOVICH; TIM Case No. 2:08-cv-11832-SFC-MJH
JAGODZINSKI; VALKYRIE EXPRESS, INC.; Hon. Sean F. Cox
DENNIS LEVENE; LIGHTNING
TRANSPORTATION; M&J TRUCKING; MARK
OLSWAY; JOE PALETTA; 4 CHAINS
TRANSPORT I, INC.; TIMOTHY SMITH; and
DAVID WILLIAMSON, CHRIS PETERSON,

Plaintiffs,

vs.

TRAN TECH, INC.,

Defendant.

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PLAINTIFFS' MOTION FOR LEAVE TO FILE

COUNTER-STATEMENT OF DISPUTED FACTS

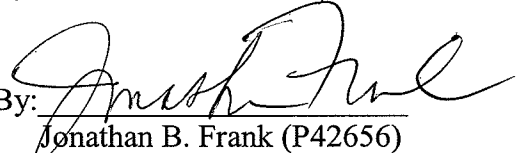
IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

Although Plaintiffs are not sure that such a request is mandated, Plaintiffs seek leave to file the attached Counter-Statement of Material Facts. Exhibit A. By agreement of the parties and stipulated order, Plaintiffs' briefs in opposition to Defendant's three motions for summary judgment and dismissal were due on July 29, 2009 to accommodate the fact that Plaintiffs' counsel was on vacation in late July. Plaintiffs filed the briefs on time along with supporting documents. However, due to difficulties in communicating with and exchanging declarations with Plaintiffs, who are all drivers working away from home or an office, Plaintiffs were not able to file this Counter-Statement or the attached declarations until now.

There is no prejudice to Defendant or the Court. The hearing is not until October 1, 2009. Plaintiffs do not object if Defendant wishes to file supplemental briefs responding to the Counter-Statement of Material Facts.

Respectfully submitted,

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By: 

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Dated: August 24, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served upon the attorneys of record of all parties in the above cause electronically, in accordance with Fed.R.Civ.P. 5(d) on the 24th day of August, 2009.

/s/

Amy Zielinski

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